



Wangaratta Rural City Council

LOCAL LAW NO. 2 OF 2009

MEETING PROCEDURES

Note: This Local Law needs to be read in conjunction with any other relevant provisions in Council's Policies and Procedures.

WANGARATTA RURAL CITY COUNCIL
MEETING PROCEDURES LOCAL LAW
No. 2 of 2009

PART ONE - PRELIMINARY PROVISIONS

1. Title

This is the *Meeting Procedures Local Law No.2 of 2009*.

2. Purposes

The objectives of this Local Law are to:

- (a) regulate and control the procedures governing the conduct of meetings of the Council and of special committees appointed by the Council;
- (b) regulate and control the election of Mayor and the chairpersons of any special committees;
- (c) regulate and control the use of the Council's seal;
- (d) promote and encourage community participation in the system of local government;
- (e) provide a mechanism through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner which acknowledges the role of local government within the Australian system of Government;
- (f) provide for the administration of the Council's powers and functions;
and
- (g) provide generally for the peace, order and good government of the municipal district.

3. Authorising provision

This Local Law is made under sections 5, 91 and 111 of the **Local Government Act 1989**.

4. Commencement, revocation and areas of operation

This Local Law:

- (a) commences operation on 1 January 2010; and
- (b) unless sooner revoked this Local Law ceases to operate on 1 January 2015; and
- (c) applies to all meetings of the Council including the meetings of any special committees appointed by the Council.

5. Repeal of other Local Laws

From the date of operation of this Local Law the following Local Law will cease to operate and is repealed:

Local Law No. 2 of 1999 –Meeting Procedures.

6. Definitions of words used in this Local Law

“Act”	means the Local Government Act 1989 .
“Chair”	refers to the Chairperson.
“Chairperson”	means the person who chairs a meeting of the Council or special committee of the Council.
“Chief Executive Officer”	means the person appointed as the Chief Executive Officer of Council.
“Council”	means Wangaratta Rural City Council.
“Councillor”	means a person who is an elected member of the Council.
“Council meeting”	includes ordinary and special meetings of the Council.
“Division”	means a formal count of those for and those against a motion generally to remove any doubt as to whether the motion is supported or opposed.

“Joint letter”	means any document which is in the form of a letter and bears the signature of two or more people.
“Formal motion”	means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but merely used as a formal procedural measure.
“Mayor”	means the Mayor or Chairperson of the municipal district and includes any person acting as the Mayor or Chairperson.
“Member”	refers to a person who is entitled to vote at a meeting of the Council or special committee of the Council.
“Minister”	means the Minister responsible for administering the Local Government Act 1989 .
“Penalty Unit”	means the value of a penalty unit set under the Monetary Units Act 2004
“Petition”	means any document which seeks the taking of some specified action by the Council, and which contains within it a prayer for the taking of such action, is signed personally by the petitioners , and which is presented to the Council.
“Quorum”	means the minimum number of members required by this Local Law to be present in order to constitute a valid meeting of the Council or a special committee.
“Suspension of Standing Orders”	means the suspension of the provisions of this Local Law to facilitate full discussion on an issue without formal constraints.

PART TWO - ELECTION OF MAYOR AND OTHER CHAIRPERSONS

7. Election of Mayor and Chair

- (1) At any meeting to elect the Mayor, the Chief Executive Officer or delegate may act as a temporary chair to deal with the receipt of nominations for the election of Mayor and to conduct the election of Mayor in accordance with the provisions of this Local Law.
;
- (2) The election of Mayor will be carried out by a show of hands unless the Council resolves that it be carried out by secret ballot.
- (3) In determining the election of Mayor, the following processes will apply:
 - (a) where only one nomination is received, that Councillor must be declared elected;
 - (b) where two nominations are received, the Councillor with the majority of votes cast will be declared elected;
 - (c) where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot;
 - (d) where there are more than two nominations received and the result has not been determined under paragraphs (b) and (c) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again;
 - (e) the procedure in paragraph (d) must be repeated until the circumstances in paragraph (c) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with a majority will be declared elected or, if there is an equal division of votes, the election must be determined by lot.
- (4) If the Mayor is unable to attend a council meeting for any reason the Council must appoint an acting chair or acting Mayor.
- (5) Any election for the appointment of an acting Mayor or acting Chair of a meeting of the Council or of a special committee will follow the same procedure as that for an election of Mayor.

PART THREE - COUNCIL MEETINGS

Division 1 – Notices of Meetings and Agendas

8. Dates and times of meetings

- (1) The date time and place of all Council meetings are to be fixed by the Council and reasonable notice of the meetings must be provided to the public.
- (2) The Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of the changes to the public.

9. Special Council meetings

The notice necessary to call a special meeting of the Council in accordance with the Act must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to Councillors.

10. Notice of meeting

- (1) A notice of meeting, which includes an agenda of the business to be dealt with, must be served on every Councillor:
 - (a) for an ordinary meeting, at least 48 hours before the meeting; and
 - (b) for a special meeting, at least 24 hours before the meeting unless urgent circumstances require less notice; and
 - (c) for a special committee meeting, at least 48 hours before the meeting.
- (2) The notice of agenda for any meeting must:
 - (a) state the date, time and place of the meeting; and
 - (b) the business to be dealt with; and
 - (c) must be delivered to each Councillor by post or by any other method approved by Council.

- (3) A notice may be handed personally to a Councillor within the time required provided a written authorisation of the relevant Councillor is held by the Chief Executive Officer.

11. Leave of absence

It will not be necessary for a notice to be sent to any Councillor who has been granted leave of absence, unless the Councillor has made a written request to the Chief Executive Officer to give notice of any meeting to be held during the period of his or her absence.

12. Special Meetings

- (1) In the case of an emergency, the Chief Executive Officer may postpone a meeting of the Council, without the necessity to comply with this Division provided reasonable attempts are made to notify every Councillor.
- (2) The Chief Executive Officer must submit a full written report of the circumstances requiring his or her action to call a special meeting to the next ordinary meeting of the Council.

Division 2 - Quorums

13. Ordinary Council Meetings

The quorum required for ordinary Council meetings will be a majority of the Councillors capable of being elected to the Council.

14. Special Council Meetings

- (1) The quorum required for special Council meetings will be the same as for an ordinary meeting unless the meeting has been called to deal with an emergency situation, in which case, the quorum will be not less than three Councillors.
- (2) The quorum required for a special committee will be not less than the majority of members for the time being appointed to that committee unless the Council determines otherwise.

15. Inability to obtain or maintain a quorum

- (1) A majority of the Councillors present, or if there are no Councillors present, the Chief Executive Officer, may adjourn a meeting if:
 - (a) there is an insufficient number of Councillors present to form a quorum within 30 minutes of the scheduled starting time of the meeting;

- (b) during an ordinary or special meeting a number of Councillors leave the room and a quorum cannot be maintained for the remainder of the meeting; or
 - (c) any Councillor or other person obstructs the conduct of the meeting.
- (2) The meeting may be adjourned until a time and place to be determined at the time of the adjournment and written notice of the adjournment must be provided to all Councillors by the Chief Executive Officer unless the meeting is adjourned to a later time on the same day, in which case, any form of notice may be given to Councillors.

16. Inability to achieve or maintain a quorum because of Councillor's Conflict of Interest

If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of declarations of conflict of interest by Councillors, the Chief Executive Officer may adjourn the meeting for a length of time sufficient to enable an exemption for the affected Councillors to be obtained from the Minister.

Division 3 – Minutes

17. Keeping of Minutes

The Chief Executive Officer must record in the minutes of each meeting:

- (a) the date, time and place of each meeting;
- (b) the names of the Councillors present and the names of those Councillors who have been given leave of absence;
- (c) the arrival and departure times of Councillors, including any temporary departures or arrivals during the course of the meeting;
- (d) all declarations of a conflict of interest;
- (e) every motion and amendment moved, including the mover (and seconder) of any motion or amendment;
- (f) the outcome of every motion put to the vote, the result of the vote and an identification of those motions voted on by secret ballot;
- (g) procedural motions;
- (h) the vote cast by each Councillor on each division called and the way their vote was cast;
- (i) when requested by a Councillor, a record of that Councillor's support or opposition for any motion;

- (j) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or reading of the minutes.

18. No debate on confirmation of the minutes

No debate or discussion on the confirmation of the minutes will be permitted except where their accuracy as a record of proceedings of the meeting to which they relate is questioned.

19. Objection to confirmation of the minutes

If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:

- (a) state the item or items with which he or she is dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

20. Deferral of confirmation of the minutes

The Council may defer the confirmation of the minutes until later in the meeting or until the next meeting as appropriate.

Division 4 – Business of Meetings

21. The Order of Business

- (1) Unless the Council resolves otherwise, the business of an ordinary meeting of the Council will be as follows:

Acknowledgement of Traditional Owners

Prayer

- (a) Present;
- (b) Acceptance of apologies and granting of leave of absence;
- (c) Confirmation and signing of Minutes of the previous meeting;
- (d) Declarations of conflict of interest;
- (e) Receipt of petitions, joint letters and declarations;
- (f) Hearing of deputations;
- (g) Presentation of reports;
 - (i) Councillors
 - (ii) Officers

- (iii) Special Committees
 - (iv) Advisory Committees
 - (h) Notices of Motion;
 - (i) Urgent Business;
 - (j) Sealing of documents;
 - (k) Question time;
 - (l) Confidential Business.
- (2) Once an agenda has been sent to Councillors, the order of business for that meeting or the addition or deletion of items from the order of business, may only be altered by resolution of the Council.
- (3) The Chief Executive Officer may include any matter on an agenda which he or she thinks should be considered at the meeting.
- (4) These provisions apply to meetings of special committees of Council to the extent that any modifications are made to deal with the business of the special committee.

Division 5 – Procedure at Meetings

22. Voting

Voting on any matter will be by show of hands.

23. How determined

In determining a question before a meeting of the Council, the Chairperson will first call for those in favour of the motion and those opposed to the motion and will declare the result to the meeting.

24. Divisions

- (1) A division may be requested by a Councillor on any matter except where a question on any matter has been determined by secret ballot.
- (2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.
- (3) Once a division has been requested the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.

- (4) No Councillor is prevented from changing his or her original vote at the voting on the division and the voting by division will determine the Council's resolution on the issue.
- (5) Once a vote on a matter has been taken, no further discussion relating to the motion will be allowed unless the discussion is-
 - (a) for a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
 - (b) where a subsequent notice of motion follows a rescission motion.

25. Application to all meetings

The provisions of this Division apply to meetings of special committees of Council to the extent that they are relevant to the proceedings of any special committee and any reference to Councillor in those clauses extends to any member of a special committee.

Division 6 – Motions

26. Chairperson's Duty

Any motion or amendment which-

- (a) is defamatory; or
- (b) is objectionable in language or nature; or
- (c) is outside the powers of the Council; or
- (d) is not relevant to an item of business on the Agenda and has not been admitted as urgent business; or
- (e) purports to be an amendment but is not-

must not be accepted by the Chairperson.

27. Additional duties and discretions

In addition to other duties and discretions provided in this Local Law, the Chairperson –

- (a) must not accept any motion, question or statement which appears to the Chairperson to be derogatory, defamatory or embarrassing to any Councillor, member of Council staff, ratepayer or member of the public;
- (b) must call to order any person who is disruptive or unruly during any meeting.

28. Moving a Motion

The procedure for any motion is-

- (a) the mover must state the motion without speaking to it;
- (b) unless the motion is a formal motion, it must be seconded by a Councillor other than the mover;
- (c) if a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- (d) if the motion is seconded, the Chairperson invites-
 - (i) the mover to address the Council on the motion; and
 - (ii) the seconder to address the Council on the motion (who may, without speaking to the motion, reserve his or her address until later in the debate);
 - (iii) any other Councillors for and against the motion to debate in turn; and
 - (iv) the mover to close debate.
- (e) the motion is put to the vote.

29. Right of Reply

- (1) The mover of an original motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.
- (2) After a right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.
- (3) No right of reply is available where an amendment is before the Council.

30. Moving an amendment

- (1) A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.
- (2) An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the original motion.
- (3) A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- (4) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No

second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.

- (5) If the amended motion is carried, it then becomes the question before the Chair.

31. Foreshadowing Motions

- (1) At any time during debate, a Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chair is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) A foreshadowed motion has no procedural standing and is merely a means to assist the flow of the meeting.
- (4) The Chief Executive Officer is not required to have foreshadowed motions recorded in the Minutes until the foreshadowed motion is formally moved, but may do so if thought appropriate.

32. Withdrawal of motions

Before any motion is put to the vote, it may be withdrawn with leave of the Council.

33. Separation of motions

Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.

34. Motions in Writing

The Chairperson may require any motion to be submitted in writing where it is lengthy, unclear or for any other reason and may suspend the meeting while the motion is being written.

35. Debate must be relevant to the motion

- (1) Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the speaker to confine the debate to the subject motion.
- (2) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.

36. Speaking times

- (1) Unless a motion for an extension of time has been carried, the maximum speaking times will be:
 - (a) the mover of the motion – 5 minutes;
 - (b) the mover of the motion when exercising his or her right of reply – 2 minutes;
 - (c) any other Councillor – 3 minutes.
- (2) An extension of speaking time may be granted by resolution of the Council but only one extension is permitted for each speaker on any question.
- (3) A motion for an extension of speaking time must be proposed-
 - (a) immediately before the speaker commences debate;
 - (b) during the speaker's debate; or
 - (c) immediately after the speaker has concluded debate.
- (4) A motion for the extension of speaking time cannot be accepted by the Chair if another speaker has commenced his or her debate.
- (5) Any extension of speaking time must not exceed 3 minutes.

Division 7 – Formal Motions**37. Formal motions**

- (1) Unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Formal motions are not required to be seconded.
- (3) The mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
- (4) A formal motion cannot be moved by the Chairperson.
- (5) Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
- (6) Unless otherwise provided, a formal motion cannot be amended.

38. Laying the question on the table

- (1) A motion may be moved “that the (question, letter, document, report etc.) lay on the table” –
- (2) The motion in sub-clause (1):

- (a) is a formal motion which may be debated and, if carried, has the effect of adjourning any further debate on the matter currently before the Council until such time (if any) as the Council resolves to take the question from the table; and
- (b) if carried in respect to an amendment, has the effect that both the original motion and the amendment will be adjourned; and
- (c) prevents debate on the matter currently before the Council proceeding until a motion to take the question from the table is passed.

39. Proceeding to the next business

- (1) A motion may be moved "That the meeting proceed to the next business"-
- (2) The motion in sub-clause (1):
 - (a) is a formal motion which cannot be moved during the election of the Chairperson; and
 - (b) if carried in respect to an original motion, requires the Chairperson to direct the meeting to the next item of business; and
 - (c) if carried in respect to a formal motion, disposes of the formal motion immediately and permits debate upon the original motion to proceed; and
 - (d) if carried in respect to an amendment, disposes of the amendment immediately and permits debate upon the original motion to proceed but no similar amendment may be moved at that meeting or any adjournment of it.

40. The previous question

- (1) A motion may be moved "That the question be NOT now put"-
- (2) The motion in sub-clause (1):
 - (a) is a formal motion which cannot be moved while there is an amendment before the Chair or during the election of a Chairperson; and
 - (b) if carried, prevents the original motion to which it relates being dealt with at that meeting or any adjournment of it; and
 - (c) if lost, requires that the original or substantive motion to which it relates be put to the vote immediately without any further debate or amendment.

- (3) The Chairperson has the discretion to reject a motion for the previous question if the matter is contentious by nature or has not been adequately debated.
- (4) Adequate debate arises when every Councillor who wishes to put a view has had an opportunity to do so.

41. The closure

- (1) A motion may be moved "That the motion be now put"-
- (2) The motion in sub-clause (1):
 - (a) is a formal motion which if carried in respect to an original motion, requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment; and
 - (b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
 - (c) if lost, allows debate to continue unaffected.
- (3) The Chairperson has the discretion to reject such a motion for closure if the motion upon which it is proposed has not been sufficiently debated.
- (4) Sufficient debate arises when those possessing different views have been given a opportunity to state them.

42. Adjourning the debate

- (1) A motion may be moved "That the motion and amendments now before the meeting be adjourned until....."-
- (2) The motion in sub-clause (1):
 - (a) is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
 - (b) may be debated but may only be amended in relation to time, date and place of the proposed amendment.
 - (c) should provide a date or time to which the adjournment is sought but if no date or time is included, it may be relisted at the discretion of the Chief Executive Officer or upon a subsequent resolution of the Council.

Division 8 - Points of Order

43. Chairperson to decide

- (1) The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.
- (2) The Chairperson may adjourn the meeting to consider a point of order otherwise, he or she must rule on it as soon as it is raised and all matters before the Council are to be suspended until the point of order is decided.

44. Final Ruling on a point of order

- (1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of the Councillors present move a motion of dissent.
- (2) A motion of dissent on a point of order must contain the rule, provision, practice or precedent in substitution for the Chairperson's ruling.
- (3) A motion of dissent in relation to a point of order is not a motion of dissent in the Chair and the Chairperson must at all times remain in the chair and he or she will maintain his or her right to a second vote.
- (4) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Chairperson.

45. Procedure for point of order

A Councillor raising a point of order must:

- (a) state the point of order; and
- (b) the clause, paragraph or provision constituting the point of order.

46. Valid points of order

- (1) A point of order may be raised in relation to:
 - (a) a procedural matter;
 - (b) a Councillor who is or appears to be out of order; or
 - (c) any act of disorder.
- (2) Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

47. Adjournment and Resumption of meeting

- (1) The Chairperson of the Council may adjourn any meeting until a time and place to be determined at the time of the adjournment.
- (2) For the purpose stating the time to which the meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

Division 9 – Notices of Motion**48. Must be listed on Agenda**

- (1) A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.
- (2) A Councillor may give notice of motion on any matter he or she wants discussed at a meeting by delivering a notice of motion outlining the subject and the motion proposed for discussion to the Chief Executive Officer.

49. Rejection of a vague notice

The Chief Executive Officer-

- (a) may reject any notice of motion that is too vague, but before rejecting it must give the Councillor delivering the notice an opportunity to amend it; and
- (b) must notify the relevant Councillor of any notice of motion which has been rejected and give the reasons for its rejection.

50. Listing notice on agenda

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of motion and if more than one, in the order they were received, on the next appropriate meeting agenda.

51. Register of notice

The Chief Executive Officer must cause every notice of motion received to be sequentially numbered and maintained in a register.

52. May be moved by a Councillor and amended

- (1) A notice of motion listed on a meeting agenda, may be moved by any Councillor present and, except where the notice of motion is to confirm a previous resolution of the Council, may be amended.
- (2) If a notice of motion to confirm a previous resolution of the Council cannot be carried in its original form, it is lost.

- (3) Unless the Council resolves to re-list at a future meeting a notice of motion which has been lost, a similar motion must not be put before the Council for at least three months from the date it was last lost.

Division 10 – Notice of amendment or rescission

53. Procedure

- (1) A Councillor may propose a motion to amend or rescind a decision of the Council provided:
 - (a) the previous motion has not been acted upon; and
 - (b) a notice is delivered to the Chief Executive Officer outlining:
 - (i) the decision proposed to be amended or rescinded; and
 - (ii) the meeting and the date when the decision was made.
- (2) A decision will be acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where the statutory procedure has been carried out as a result of that decision.

54. Listing notice on Agenda

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded.

55. Criteria to amend or rescind a motion

- (1) For a decision of the Council to be amended or rescinded, the motion for amendment or rescission must be carried by the majority of the votes cast.
- (2) Unless the Council resolves to re-list at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Council for at least three months from the date it was last considered.
- (3) If a notice of amendment or rescission is not moved at the meeting for which it is listed, it will lapse.
- (4) A notice of amendment or rescission listed on a meeting agenda may be moved by any Councillor present but cannot be amended.

56. When not required

A notice of amendment or rescission is not required where the Council wishes to change a previous decision relating to a policy of the Council.

57. Register of notices

The Chief Executive Officer must cause every notice of amendment or rescission received to be sequentially numbered and maintained in a register.

58. Urgent and other business

Business which has not been listed on an agenda may only be raised as urgent or other business by resolution agreed by the Council.

Division 11 – Public Participation**59. During Meetings**

- (1) At every ordinary meeting of the Council, time may be allocated to enable any member of the community to address the Council concerning a matter on the agenda for the meeting, unless the Council resolves to allow a new matter to be raised.
- (2) Sub-clause (1) does not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 89(2) of the Act.
- (3) The Council may allocate reasonable time to each person who wishes to address the Council having regard to:
 - (i) the nature of the matter to be discussed;
 - (ii) priorities in relation to other business;
 - (iii) other members of the community present who also wish to address the Council;
 - (iv) whether such an opportunity has already been provided to the person.
- (4) The Council may decide to defer discussion to a later date and the views of the person addressing the Council should be sought concerning that other date.

60. Meetings

Any member of the public or community addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so.

61. Chairperson may remove

- (1) Any person who has been called to order including any Councillor who fails to comply with the Chairperson's direction will be guilty of an offence.

Penalty: 5 penalty units

- (2) The Chairperson has a discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.

62. Petitions and joint letters

A petition or joint letter presented to the Council will lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.

63. Signing petitions

Any person who fraudulently signs a petition or joint letter which is presented to the Council is guilty of an offence.

Penalty: 10 penalty units

64. Councillor presenting petition – obligations

Any Councillor presenting a petition or joint letter will be responsible for ensuring that-

- (a) he or she is familiar with the contents and purpose of the petition or joint letter; and
- (b) the petition or joint letter is not derogatory or defamatory.

Division 12 – Other Procedural Matters

65. Suspension of Standing Orders

- (1) Subject to clause 66, the provisions of this Local Law may be suspended for a particular purpose by resolution of the Council.
- (2) The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- (3) The purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is being discussed.
- (4) It should not be used to purely dispense with the processes and protocol of the government of the Council.
- (5) Once the discussion has taken place and before any motions can be put, the resumption of the standing order will be necessary.

66. No motions may be accepted during suspension of standing orders

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.

67. Interruption for Point of Order

A Councillor who is addressing the meeting must not be interrupted unless called to order when he or she must remain silent until the Councillor raising the point of order has been heard and the question disposed of.

68. Matters not provided for

Where a situation has not been provided for under this Local Law, the Council may determine the matter by resolution.

PART FOUR - COMMON SEAL

69. The Council's Common Seal

- (1) The Chief Executive Officer must ensure the security of the Council's common seal at all times.
- (2) The Council's common seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by one Councillor and the Chief Executive Officer or some other senior officer authorised by him or her.
- (3) Any person who uses the Council's common seal without authority is guilty of an offence.

Penalty: 10 penalty units

- (4) Any person who uses any replica of the Council's common seal without authority is guilty of an offence.

Penalty: 10 penalty units

PART FIVE - ENFORCEMENT AND PENALTIES

70. Infringement Notices

- (1) An authorised officer may issue an infringement notice in the form shown in Schedule 1.
- (2) The fixed penalty in respect of an infringement is the amount set out in Schedule 2.

71. Payment of Penalty

- (1) A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer of the Wangaratta Rural City Council.
- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

WANGARATTA RURAL CITY COUNCIL

SCHEDULE 1

INFRINGEMENT NOTICE

Date:

To: (name and address)

I, (name of authorised officer) have reason to believe that you have committed an offence against the ***Meeting Procedures Local Law*** of the Wangaratta Rural City Council as indicated below:

Date	Time	Clause of Local Law	Penalty
Description of offence			
Location of offence			

You are entitled to disregard this notice and defend the prosecution for an offence in Court.

WANGARATTA RURAL CITY COUNCIL**SCHEDULE 2*****PENALTIES FIXED FOR INFRINGEMENTS***

Provision	Offence	Penalty Units
61	Failing to comply with a direction of the Chair	5
63	Fraudulently signing a petition or joint letter	10
69(3)	Using the Seal without authority	10
69(4)	Using a replica of the Seal without authority	10